

1 LATHAM & WATKINS  
2 Michael J. Weaver (CA Bar No. 058581)  
3 Dean T. Janis (CA Bar No. 144791)  
4 Timothy A. Horton (CA Bar No. 205414)  
5 701 B Street, Suite 2100  
6 San Diego, California 92101-8197  
7 Telephone: (619) 236-1234  
8 Facsimile: (619) 696-7419

9  
10 HALE AND DORR LLP  
11 James L. Quarles III (DC Bar No. 359079)  
12 David A. Wilson (DC Bar No. 430400)  
13 Maria K. Vento (DC Bar No. 473713)  
14 1455 Pennsylvania Avenue, N.W., 10<sup>th</sup> Floor  
15 Washington, D.C. 20004  
16 Telephone: (202) 942-8400  
17 Facsimile: (202) 942-8484

18 WILMER, CUTLER & PICKERING  
19 Howard M. Shapiro (DC Bar No. 454274)  
20 Denise Esposito (DC Bar No. 445852)  
21 Amy T. Kreiger (DC Bar No. 453164)  
22 2445 M Street, N.W.  
23 Washington, D.C. 20037  
24 Telephone: (202) 663-6000  
25 Facsimile: (202) 663-6363

26 Attorneys for Plaintiff WELLSTAT  
27 THERAPEUTICS  
28 CORPORATION F/K/A PRO-NEURON,  
INC.

29 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
30  
31 COUNTY OF SAN DIEGO

32 WELLSTAT THERAPEUTICS  
33 CORP., a California corporation  
34 (F/K/A, PRO-NEURON, INC., a  
35 California Corporation)

36 CASE NO. GIC 769430

37 PROOF OF SERVICE

38 Plaintiff,

39 v.

40 THE REGENTS OF THE  
41 UNIVERSITY OF CALIFORNIA, a  
42 California corporation; DR. ROBERT

1 K. NAVIAUX, an individual and an  
2 agent and employ of the University of  
3 California, San Diego; REPLIGEN  
4 CORPORATION, a Delaware  
corporation; and DOES 1 through 20,  
inclusive,

Defendants.

5 **PROOF OF SERVICE**

6 I am employed in the County of San Diego, State of California. I am over the age of 18  
7 years and not a party to this action. My business address is Latham & Watkins, 701 B Street, Suite 2100,  
8 San Diego, CA 92101-8197.

9 On September 5, 2002, I served the following document described as:

10 SECOND AMENDED COMPLAINT FOR:

- 11 (1) BREACH OF CONTRACT – REGENTS' NONDISCLOSURE AGREEMENT;  
12 (2) BREACH OF CONTRACT – CLINICAL TRIAL AGREEMENT;  
13 (3) BREACH OF IMPLIED COVENANTS OF GOOD FAITH AND FAIR DEALING;  
14 (4) SPECIFIC PERFORMANCE;  
15 (5) INJUNCTIVE RELIEF;  
16 (6) BREACH OF CONTRACT – NAVIAUX NONDISCLOSURE AGREEMENT;  
17 (7) BREACH OF CONTRACT – NAVIAUX CONSULTING AGREEMENT;  
18 (8) MISAPPROPRIATION OF TRADE SECRETS;  
19 (9) INJUNCTIVE RELIEF;  
20 (10) INDUCEMENT OF BREACH OF CONTRACT;  
21 (11) UNFAIR COMPETITION; AND  
22 (12) DECLARATORY RELIEF

23 by serving true copies of the above-described documents in the following manner:

24 **BY FEDERAL EXPRESS**

25 I caused such envelope to be delivered by hand to the offices of the addressee(s) VIA  
26 FEDERAL EXPRESS, addressed as follows

27 ATTORNEYS FOR DEFENDANTS  
28 THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA:

JOHN A. SCOTT  
MORRISON & FOERSTER LLP  
3811 VALLEY CENTRE DRIVE  
SUITE 500  
SAN DIEGO, CA 92130-2332  
TELEPHONE: 858-720-5100  
FACSIMILE: 858-720-5125

ATTORNEYS FOR DEFENDANTS  
THE REGENTS OF THE UNIVERSITY

ATTORNEYS FOR DEFENDANT REPLIGEN  
CORPORATION:

REGINALD A. VITEK, ESQ.  
JACK LEER, ESQ.  
SELTZER CAPLAN McMAHON VITEK  
750 B STREET  
2100 SYMPHONY TOWERS  
SAN DIEGO, CA 92101  
TELEPHONE: 619-685-3003  
FACSIMILE: 619-685-3100

ATTORNEYS FOR DEFENDANT REPLIGEN  
CORPORATION:

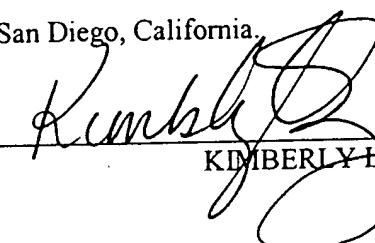
1 OF CALIFORNIA:

2 GERALD P. DODSON, ESQ.  
3 KEN KUWAYTI, ESQ.  
4 MORRISON & FOERSTER LLP  
5 755 PAGE MILL ROAD  
6 PALO ALTO, CA 94304-1018  
7 TELEPHONE: 650-813-5600  
8 FACSIMILE: 650-494-0792

RICHARD S. SANDERS, ESQ.  
TESTA, HURWITZ & THIBEAULT  
125 HIGH STREET  
BOSTON, MA 02110  
TELEPHONE: 617-248-7000  
FACSIMILE: 617-248-7100

9  
10 I declare that I am employed in the office of a member of the Bar of, or permitted to  
11 practice before, this Court at whose direction the service was made and declare under penalty of perjury  
12 that the foregoing is true and correct.

13 Executed on September 5, 2002, at San Diego, California.

14   
15 ~~Kimberly Lasky~~  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

10 KIMBERLY L. LASKY